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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,328	07/08/2008	Thomas Portele	DE 040083	7016

24737 7590 09/16/2010
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
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2174

MAIL DATE	DELIVERY MODE
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09/16/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/599,328	PORTELE ET AL.	
	Examiner	Art Unit	
	Steven P. Sax	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>see attached</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The preliminary amendment filed 9/26/06 has been entered.

2. Claims 1 and 10 are objected to because of the following informalities:

These claims recite a blank parenthesis without specifying the reference character.

Specifically: line 5 of claim 1 has a blank parenthesis, and line 9 of claim 10 has a blank parenthesis. Appropriate correction is required. For purposes of examination, these parentheses have been ignored.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Law (7712031) and Hiipakka (2003/0098892).

5. Regarding claim 1, Law shows a method for driving multiple elements of an application (A1, A2, A3, ..., An) by a common dialog management system where a unique set of auditory icons (S1, S2, S3, ..., Sn) is assigned to each application element (A1, A2, A3, ..., An) [abstract, Figures 4-5, column 1 lines 55-67, column 4 lines 3-30],

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and where the common dialog management system informs a user of the status of an application element (A1, A2, A3, ..., An) by playback [column 2 lines 10-35, column 4 lines 30-60], at a specific point in a dialog flow, of a relevant auditory icon (I1, I2, I3, ..., In) selected from the unique set of auditory icons (S1, S2, S3, ..., Sn) of the respective application element (A1, A2, A3, ..., An) [Figure 4, column 35-55, column 5 lines 20-50]. Law does not go into the details that each application element is a separate application per se, but does show distinguishing different functions with auditory icons.

Furthermore, Hiipakka does show representing different applications by auditory icons, to distinguish different functions [abstract, Figure 1, para 26, 28, 32, note the different application examples associated with the auditory icons]. It would have been obvious to a person with ordinary skill in the art to have this in Law, because it would be a convenient way to distinguish different functions with auditory icons.

6. Regarding claim 2, the auditory icons (I1, I2, I3, ..., In) of an application (A1, A2, A3, ..., An) are played back to indicate to the user a change in operational status of an application (A1, A2, A3, ..., An) [Law column 4 lines 40-60].

7. Regarding claim 3, an application (A1, A2, A3, ..., An) submits a set of auditory icons (S1, S2, S3, ..., Sn) and associated instructions concerning the use thereof to the dialog management system (I) [Law column 4 lines 20-40].

8. Regarding claim 4, identifying information for the individual auditory icons (I1, I2, I3, ..., In) of an application (A1, A2, A3, ..., An) and associated instructions are obtained by the dialog management system (I), and the auditory icons (I1, I2, I3, ..., In)

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are retrieved by the dialog management system (i), from the application (A1, A2, A3, ..., An) upon request [Law column 4 lines 20-50].

9. Regarding claim 5, the complete set of auditory icons (S1, S2, S3, ..., Sn) of an application (A1, A2, A3, ..., An) is acquired by the dialog management system (I) at the outset of a dialog flow between the user and the application (A1, A2, A3, ..., An) or upon activation or installation of the application (A1, A2, A3, ..., An) [Law Figures 4, 5, column 4 lines 3-26].

10. Regarding claim 6, the dialog management system (i) supplies an application (A1, A2, A3, ..., An) with a unique set of auditory icons (S1, S2, S3, ..., Sn), by modifying non-unique auditory icons (I1, I2, I3, ..., In) in a set of auditory icons (S1, S2, S3, ..., Sn) of the application (A1, A2, A3, ..., An) and/or choosing unique auditory icons (I1, I2, I3, ..., In) for the application (A1, A2, A3, ..., An) from a collection (13) of auditory icons [Law column 4 lines 15-49, column 5 lines 45-60 – note the dialog auditory elements which are selected, placed, and modified].

11. Regarding claim 7, the set of auditory icons (S1, S2, S3, ..., Sn) for playback in a dialog flow between a user and an application (A1, A2, A3, ..., An) comprises at least one unique start auditory icon, for playback at commencement of the dialog flow and/or at least one unique end auditory icon, for

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playback at conclusion of a dialog flow [see Law column 4 lines 3-26 and 40-60 specifically, although all of column 4 brings this out].

12. Regarding claim 8, the set of auditory icons ($S_1, S_2, S_3, \dots, S_n$) for playback in a dialog flow between a user and an application ($A_1, A_2, A_3, \dots, A_n$) comprises a number of unique informative auditory icons ($I_1, I_2, I_3, \dots, I_n$), for playback at specific points during the dialog flow where each auditory icon ($I_1, I_2, I_3, \dots, I_n$) describes a particular type of feedback from the application ($A_1, A_2, A_3, \dots, A_n$) [Law column 4 lines 20-25, column 5 lines 25-50].

13. Regarding claim 9, auditory icons ($I_1, I_2, I_3, \dots, I_n$) and/or playback characteristics of the auditory icons ($I_1, I_2, I_3, \dots, I_n$) are specified for a user in a user profile (3) [Law column 3 line 55 – column 4 line 20].

14. Regarding claim 10, Law shows a dialog management system for driving a number of application elements ($A_1, A_2, A_3, \dots, A_n$), comprising an input detection arrangement (4) for detecting user input (5) to the system [Law Figure 2, column 3 lines 35-55]; a sound output arrangement (6) for outputting audible prompt (7) [Law column lines 25-40]; a core dialog engine (8) for coordinating a dialog flow by interpreting user input (5) and generating output prompts [column 4 lines 3-26]; an application interface (i) for communication between the dialog management system (i) and the application elements ($A_1, A_2, A_3, \dots, A_n$) [column 3 lines 57-67]; a source of unique sets of auditory icons ($S_1, S_2, S_3, \dots, S_n$) assigned to the application elements ($A_1, A_2, A_3, \dots, A_n$)

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[Figure 4, column 4 lines 15-50]; and an auditory icon management unit (ii) for selecting relevant auditory icons (I1, I2, I3, ..., In) from the unique sets of auditory icons (S1, S2, S3, ..., Sn) corresponding to the application elements (A1, A2, A3, ..., An) for playback at specific points in the dialog flow [Law column 4 lines 20-45, column 5 lines 25-50].

Law does not go into the details that each application element is a separate application per se, but does show distinguishing different functions with auditory icons.

Furthermore, Hiipakka does show representing different applications by auditory icons, to distinguish different functions [abstract, Figure 1, para 26, 28, 32, note the different application examples associated with the auditory icons]. It would have been obvious to a person with ordinary skill in the art to have this in Law, because it would be a convenient way to distinguish different functions with auditory icons.

15. Regarding claim 11, note the means (15) for allowing the user to input auditory icons (I1, I2, I3, ..., In) [Law column 4 lines 4-25].

16. Regarding claim 12, note the interface (14) for obtaining individual auditory icons (I1, I2, I3, ..., In) from an external source (12) [note the claim recites in alterative form, and so only the individual auditory icons need be shown, and see Law again column 4 lines 10-20, column 12 lines 10-40 for example, and column 3 lines 10-30].

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17. Claim 13 shows the same features as claim 1 and is rejected for the same reasons.

18. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

19. Claim 13 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 13 recites a computer program product comprising software code. This is not statutory subject matter.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P Sax/
Primary Examiner, Art Unit 2174
